

Notice of Allowability	Application No.	Applicant(s)
	10/713,171	MOTAMEDI ET AL.
	Examiner Leo Boutsikaris	Art Unit 2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to amendment filed on 8/9/2004.
2. The allowed claim(s) is/are 11-18 and 20.
3. The drawings filed on 15 November 2003 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Ali Dabiri on 8/30/2004.

The application has been amended as follows:

IN THE CLAIMS

In claim 11, line 9, "can be" is replaced by --being--.

In claim 11, line 11, the word "are" is replaced by --is--.

In claim 11, line 12, "for achieving" is replaced by --wherein--.

In claim 11, line 13, the phrase --are achieved-- is inserted after the word "delays".

In claim 15, line 2, the word "dimensions" is replaced by --dimension--.

It is noted that Applicant inadvertently did not strike through a portion of claim 16 in deleting said portion in his response filed on 8/9/2004. The correct version of claim 16, as it was amended on 8/9/2004, is as follows;

16. The MOEMS of Claim 11, wherein the wavelength λ of the incident wave is known, and the angle of [incident] incidence is selected to force the beam to have a maximum diffracted power in "-1 order" [and strikes perpendicular on the focusing lens and scanner mirror].

It is noted that Applicant inadvertently did not cancel claim 21 in his response filed on 8/9/2004. Claim 21 is canceled.

The following is an examiner's statement of reasons for allowance:

Claims 11-18, 20 are allowable over the prior art of record for at least the reason that even though the prior art discloses rapid scanning optical delay systems using bulk optical components, the prior art fails to teach or reasonably suggest a micro-opto-electro-mechanical system designed for a scanning optical delay line, wherein each of the components is fabricated using MOEMS technology and wherein at least approximately 100 pico-second delays are achieved, as set forth by the claimed combination.

It is the integration of all the separate components into one integrated platform using MOEMS technology that allows more efficient alignment and the claimed low optical delay of 100 ps.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Leo Boutsikaris whose telephone number is 571-272-2308.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leo Boutsikaris, Ph.D.
Patent Examiner, AU 2872
September 5, 2004

